

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

PATRICK ROTH,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-903-G
)	
JOHN RICKETTS and)	
CITY OF OKLAHOMA CITY,)	
a municipal corporation,)	
)	
Defendants.)	

JOINT MOTION TO CONTINUE STATUS AND SCHEDULING CONFERENCE

Pursuant to Local Rule 7.1(h), the Parties move the Court for an Order continuing the Status and Scheduling Conference established in the Court's November 22, 2019 Order, until the February 2020 date for such conferences. In support of this Motion, the Parties state:

1. On November 22, 2019, this Court set the case for its January 8, 2020 Status and Scheduling Conference Docket (with a due date of January 2, 2020 for the Joint Status Report).

2. Defendant City was served today, December 4, 2019, and has not filed an Answer. Instead, counsel for Defendant City specially appeared (Doc. 7) to respond to Plaintiff's Emergency Motion for Leave to Allow Plaintiff to Serve a Subpoena Prior to the Commencement of Discovery (Doc. 6), *i.e.* to advise the Court that Defendant City was advising the Plaintiff's counsel of the name of the alleged individual defendant officer.

3. On November 13, 2019, Defendant Ricketts executed a Waiver of Service of

Summons. As the request was sent November 8, 2019, his Answer date is January 7, 2020 (Doc. 16).

4. Rule 16(b)(2) of the Federal Rules of Civil Procedure states:

Time to Issue. The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

The Rules for the U.S. District Courts of the Western District provides at LCvR 16.1(b)(2):

...upon the filing of an appearance by a defendant or notice that a defendant has been served, the case will be placed on a regular monthly docket for the administration of a status and scheduling conference. Unless otherwise ordered, the conference will be held on a date that will allow the issuance of a scheduling order in accordance with the time limits of Fed. R. Civ. P. 16(b)(2).

Defendant City was served on December 4, 2019, making its Answer due December 26, 2019. While Defendant Ricketts has waived service, the waiver was signed November 13, 2019 less than 60 days prior to the presently set Status Conference.

5. There have been no requests for extension in this case. Counsel for Defendant City is authorized to state both counsel for Plaintiff Roth and Defendant Ricketts agree to this request.

Wherefore, the parties respectfully move the Court for an Order continuing the Status and Scheduling Conference until the February 2020 date for such conferences.

Respectfully submitted,

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